Appl. No. 10/092,662
Amdt. dated October 26, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2164

PATENT

REMARKS/ARGUMENTS

Claims 24-38 are pending. Claim 24 has been amended. New claims 35-38 have been added. No new matter has been added; see, for example, paragraph 0023.

Claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher (U.S. Patent 6,535,891) in view of Leung (US Patent Publication 2003/0046270).

Claim 24 recites a storage system comprising in part a controller that "sets a policy according to data structure of the file data to determine in which storage devices the data blocks should be placed . . . ." In other words, the controller assigns file data in increments of blocks. The present invention is distinguished from the aforementioned prior art by this granularity.

As the Examiner noted in the office action mailed on June 13, 2006, "Fisher et al. does not teach wherein for each data block, a destination storage device is selected based at least on content of the data comprising the data block." In other words, Fisher does not assign blocks.

Leung assigns whole files. The process is precipitated when Leung receives "a signal to store a data file." at paragraph 13. Leung culminates in determining "a storage device... for storing the data file . . . ." at paragraph 13. Leung does not teach assigning a block. Thus, Leung does not teach a controller that "sets a policy according to data structure of the file data to determine in which storage devices the data blocks should be placed . . . ."

Claims 28-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Schilit et al. (US pub. 2002/0052898).

Claim 24 recites a storage system comprising in part a controller that "sets a policy according to data structure of the file data to determine in which storage devices the data blocks should be placed . . . ." In other words, the controller assigns file data in increments of blocks. The present invention is distinguished from the aforementioned prior art by this granularity.

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As the Examiner noted in the office action mailed on June 13, 2006, "<u>Fisher et al.</u> does not teach wherein for each data block, a destination storage device is selected based at least on content of the data comprising the data block." In other words, Fisher does not assign blocks.

Schilit assigns whole documents or files. Schilit teaches "[g]rouping documents... permits the user to determine which files need to be stored locally . . . ." at paragraph 0015. Furthermore, Schilit teaches "[t]he user can determine which files (i.e. documents) to remove, prefetch or hoard based upon these groups of documents that have similar content." at paragraph 0016. Schilit does not teach assigning a block. Thus, Schilit does not teach a controller that "sets a policy according to data structure of the file data to determine in which storage devices the data blocks should be placed . . . ."
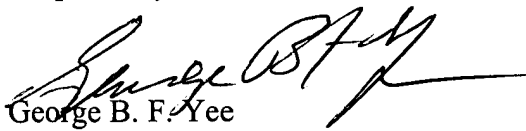
For any of the foregoing reasons, the claims rejections are believed to be overcome.

<u>CONCLUSION</u>

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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